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petent; society was grown too unwieldy and too corrupt for a return to the days of happiness and truth: so does Peacock affirm the intellectual pessimism and social bankruptcy of an age struggling—vainly it seemed—to solve its acute economic, political, and social problems. He illumines the shadow-land between the Romantic and the Victorian high-lights; and, indeed, the roots of his thought reach back into the eighteenth century; whereas his final novel discusses the progress of science so lately displayed in the industrialism that shocked Ruskin and the biological materialism that alarmed Matthew Arnold. He is an invaluable register of the thought of this transition, a period which few of the Romantic poets lived long enough to experience, but which Peacock has summarized in a series of delightful, penetrating satires. Some such conclusion must have moved Saintsbury in the last of his introductions, thus to define the place of Peacock: "The English Muse seems to have set, at the joining of the old and new ages, this one person with the learning and tastes of the ancestors, with the irreverent criticism of the moderns, to comment on the transition; and, having fashioned him, to have broken the mould."<sup>1</sup>

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## FRANCIS BACON'S KNOWLEDGE OF LAW-FRENCH

It seems not to be as well known as it should be that among his many and various accomplishments Francis Bacon included an unusual command of Law-French. What I am concerned to demonstrate is not merely an ability to read Law-French—any black-letter lawyer would declare that a man who had been Treas-

<sup>1</sup> List of works used:

Freeman, A. Martin, *Thomas Love Peacock, a Critical Study*. London, 1911.

Gummere, F. B., *Democracy and Poetry*. New York, 1911.

Hartley, L. Conrad, "Thomas Love Peacock," *The Manchester Quarterly*, xxxiv (1915), 256 ff.

Ingpen, Roger, *The Letters of Percy Bysshe Shelley*. London, 1909.

Paul, Herbert, *The Nineteenth Century*, LIII (1903), 651 ff.

Peacock, Thomas Love, *Novels* edited by George Saintsbury. New York and London.

Van Doren, Carl, *The Life of Thomas Love Peacock*. London, 1911.

urer of Gray's Inn, Solicitor General, and Attorney General would necessarily be familiar with the peculiar language (or shall we call it jargon?) in which the entire learning of English law was couched. At that date literally nothing, whether year-book, abridgement, or report, was available in English. The very dictionaries were in Law-French. Nor was it an unusual feat to be able to write and take notes in "the language of our law." But the mixture of French, Latin, and English employed by most lawyers of the time was a crass compound, void of form, structure, regularity, or grammar,—the result of abysmal ignorance of all three languages. From a man of Bacon's admired Latinity, fluent French, and extraordinary grasp of English, we have a right to expect, as we find, a truly distinguished Law-French, possessed of structure, of euphony, and of rhythm. At the same time, it may not be literally possible to demonstrate these qualities to those who lack familiarity with the scarcely Frenchified English of the majority of Bacon's contemporaries, to say nothing of the marvelous diction of Sir Edward Coke<sup>1</sup> and of the Frowyck's and Hengham's of the Golden Age of the language.<sup>2</sup>

No great attention has been paid to Bacon's own praise of Law-French or to the fact that he intended to publish the body of the *Maxims* in that tongue.<sup>3</sup> Presumably the reason is that the edi-

<sup>1</sup> The first editions of Coke's *Reports* were all issued in Law-French and represent his diction when he had full opportunity for revision. These cannot be fairly compared with Bacon's mss. There are in Harleian mss. 6687, A, B, C, D, note-books containing Coke's casual jottings about legal and personal matters, entirely in Law-French and Latin. In the Holkham mss. in the library of the Earl of Leicester, are several papers in Coke's holograph which can also be fairly compared with Bacon's casual Law-French and which show Coke's extraordinary command of that tongue.

<sup>2</sup> While Professor Maitland has reconstructed the Law-French grammar of the Middle Ages, no such service has been performed for the sixteenth century. The changes are very radical and it is therefore not possible to judge the correctness of Bacon's usage or its fluency except in comparison with what we judge to have been the usage of his peers, from relatively brief and unscientific studies.

<sup>3</sup> "For the expositions and distinctions, I have retained the peculiar language of our law, because it should not be singular among the books of the same science, and because it is most familiar to the students and professors thereof, and besides that it is most significant to express conceits of law; and to conclude, it is a language wherein a man shall not be enticed to hunt after words but matter." Spedding, Ellis, and Heath, *Works*, vii, 322.

tions of the *Maxims* we have, as well as the manuscripts, are all in Latin and English.<sup>4</sup> Bacon intended them for lawyers only; the publishers after his death sought to reach a wider audience. In any case, no work of his was printed in Law-French and the mss. in that tongue he left were tossed aside by editors and students, intent from the first upon the philosopher and English stylist. The fact even that he wrote in Law-French, habitually used it in his legal work, seriously undertook to publish a polished and finished work in it, was so little emphasized that it became practically forgotten.

A holograph ms. exists, however, entirely in Law-French—Harleian mss. 7017, f. 179—which is of great interest. The chirography belongs to the very earliest period, and, coupled to other evidence, makes probable a date as early as 1586 or 1587. If correct, this ms. is the earliest known work from his pen (if we except dubious ascriptions) and is certainly his earliest holograph treatise. Nor are the facts without interest that it is not in English and that it is neither literary nor philosophical, but technical law of the toughest, relating indeed to a subject which was to the ordinary practicing lawyer of Bacon's day a matter of curiosity and of antiquarian interest. It is soon to be published by the present writer, with much other unpublished material by Bacon, and its content need not further concern us here. Its form, however, is of interest to students of literature and a few quotations will serve to illustrate the language and to convince the reader of the truth of Bacon's defense of the use of the language for the text of his *Maxims*. The matter is as unintelligible to the average man in English as in Law-French.<sup>5</sup>

Tous terres et biens dans le Royaulme que ne poynt estre pretend ou chalenge de nullorum sont al Roy. Come si foundor d'un abby mour sans heir et puis l'abby est dissolue le Roy aura la terre.<sup>6</sup> Issint si tenant in tail grant totum statum suum per fine et le conisee mour sans heir le Roy aura la terre; Issint si tenant pour

<sup>4</sup>The earliest printed edition is 1630; the only ms. copy with a date is 1630; and all the ms. copies have been copied, "edited," and "improved" by inexpert hands, with insertions and additions which Bacon expressly tells us are contrary to his intentions.

<sup>5</sup>We have every reason to believe that Law-French was not the spoken language of the courts; but when spoken, it seems to have been pronounced like English.

<sup>6</sup>Most of Bacon's contemporaries would have written "le terre" and have used the present tense of the verb.

vie fait feoffment sur condicon et cesty en reversion release ad feoffee et puis le tenant pour vie enter pour le Condicon infrent et mour, le Roy aura la terre.<sup>7</sup>

chescun sute vers le Roy doet estre tiel que convent oue la dignitie ou majesti royall: Ideo nul sute par le Comen ley mais par peticon Supplicat humillime Altudini vostri et le peticon et monstrance de droit sont done par statute.<sup>8</sup>

Uncore est dit 22 E. 3 que ab antiquo le Roy fust sue come common person et que E. 1. ordeine le Contrary et introduce petition et Wilby dit qu'il avoit vieu brief Precipe Henrico Regis; mais Brooke object que le Roy ne poet faire precipe destre vers luy mesme et uncore qui non habet superiorem potest regulariter esse Judex in causa propria. Brooke auxi fait que si tielz briefs ne furent award par le Cunstable d'Engleterre. Mais il n'ad aucun probability que en temps plus proche al Conquest quand le gouvernement fust plus marshall et plus absolute, que le prerogative seroit plus foible et Ideo semble que ceo est conceit et erroneous; ou que ceo fust en le tumultuous tems de H. 3 solement et Jhon [sic] et nient auant ny depuis et que l'ordonnanee E. 1. si aucun fust, fust de toller le abuse, et in 24 E. 3. bro. dit.<sup>9</sup>

<sup>7</sup> A translation may not be amiss. All lands and goods in the kingdom to which no one has or claims title belong to the crown. Thus if the founder of an abbey die without heir and then the abbey is dissolved, the Crown shall have the land. So if a tenant in tail grant his whole estate by fine and the cognizee die without heir, the Crown shall have the land. So if a tenant for life makes a feoffment on condition and the cestui in reversion releases to the feoffee, and then the tenant for life enters on the aforesaid condition and die, the Crown shall have the land.

<sup>8</sup> Every suit against the Crown must be such as is agreeable to the royal dignity or majesty: therefore no suit at Common Law but by petition most humbly begs your royal highness and the petition and monstrance de droit are awarded by statute.

<sup>9</sup> On the other hand it is said in [the Year Book] 22 E[dward] III that in olden time the King was sued [in the courts] like his subjects and that E[dward] I ordained the contrary and introduced the [practice by] petition and Wilby said that he had seen a writ of praecipe [issued by] King Henry [III]; but Brooke argues that the King could not issue a praecipe against himself and again that he who has no superior may in law be judge of his own case. Brooke also queries whether such writs were not issued by the Constable [Justiciar] of England; but there is no such probability at a date nearer to the Conquest [by William] when the government was more military and without appeal to ordinary courts; when too the prerogative was less strong; and therefore it seems [to me] either that this is mere opinion and bad law; or that it was [true] of the disorderly times of H[enry] III and John only and neither before nor since, and that the ordinance of E[dward] I, if such there was, was to toll [i. e. to stop] the abuse, and on [the Year Book] 24 E[dward] III Bro[oke] comments [this Bacon left for a later day.]

One further brief example possesses a certain humor.

Est praerogative le Roy d'aueir les plus excellent choses en tous species Come Lyones et Elephants qui sont beasts royall. Eagles et Ostriches. quaere de porpusses.

It will be remembered that these phrases are in Bacon's holograph and represent notes taken for his own use, either in legal work, or more probably, in accordance with his known habit, as a first draft of some treatise to be polished and finished at leisure. It is his familiar use of this language which is of interest. Without long disquisitions and innumerable comparative quotations, it is not possible to demonstrate the allegation that his Law-French possessed a firmness of structure, an elegance of form, a variety of vocabulary, a precision and exactitude of usage rare at that date. The declensions and conjugations had long since been dropped and we shall not therefore find Bacon at variance with the usage of his day, but he regards the singular and plural of the subject and verb as related one to the other; he is exact in his use of connectives, observes the common French genders, and is sparing of English words, except where they have been incorporated into the Law-French and possessed a technical meaning, or where he attempted remarks of a nature not common in law books and therefore without a recognized terminology.

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### TITUS ANDRONICUS AND SHAKESPEARE

The modern public is so pitifully receptive of new theories regarding Shakespeare—as the so-called 'Baconian' and much other literature attests—that it becomes obligatory on serious students of the poet to make no frivolous use of their special opportunity. That is why I feel that Mr. H. D. Gray has almost broken trust in his recent discussion of the authorship of *Titus Andronicus* (Flügel Memorial Volume, 1916). Mr. Gray's theory is, so far as I know, and by his own statement, quite unique. He explains it at once:

'The proposal I have to submit is, that Shakespeare was the original author of the piece, and that such un-Shakespearean